

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DALE GARCIA, JANA  
ARCHAMBEAU,

V

RYAN LAYTON, et al.

#### Defendants.

CASE NO. C20-5945 BHS

**ORDER REMANDING CASE TO  
CLARK COUNTY SUPERIOR  
COURT**

This matter comes before the Court on Plaintiffs Dale Garcia and Jana

Archambeau's filing of their amended complaint, Dkts. 22, 22-1.

The Court previously granted Plaintiffs leave to amend their complaint, recommending that Plaintiffs exclude all federal claims and Thomas Benenati as Defendant. Dkt. 21. Plaintiffs have complied with the Court’s recommendation—only state law claims remain against the supervisory Defendants.

Therefore, Defendants' motion for summary judgment, Dkt. 3, is **DENIED** **without prejudice** as the amended complaint alters the basis of the motion. *See, e.g.*, *Farkas v. Gedney*, No. 2:14-cv-451-JAD-VCF, 2014 WL 5782788, at \*3 (D. Nev. Nov.

1 6, 2014) (“granting [Plaintiff’s] motion for leave to amend will alter the scope of  
2 defendants’ now-filed motion for summary judgment, defendants’ motion for summary  
3 judgment is denied without prejudice . . .”).

4 The Court additionally declines to exercise supplemental jurisdiction over the  
5 remaining state law claims, pursuant to 42 U.S.C. § 1337(c), as all claims over which the  
6 Court had original jurisdiction have been eliminated. If at any time before final judgment  
7 it appears that the district court lacks subject matter jurisdiction, the case shall be  
8 remanded. 28 U.S.C. § 1447(c). This action is **REMANDED** to the Superior Court for  
9 Clark County, Cause No. 20-2-01677-06. The Clerk is directed to send certified copies of  
10 this Order to the Clerk of the Court for Clark County Superior Court.

11 **IT IS SO ORDERED.**

12 Dated this 22nd day of March, 2021.

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BENJAMIN H. SETTLE  
United States District Judge